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May 11, 2007

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Client No.
T 94625-00001

VIA FACSIMILE

The Honorable George A. Yanthis
United States Magistrate Judge
United States Courthouse
300 Quarropas Street, Room 118
White Plains, New York 10601-4150

Re: *In re Veeco Instruments Inc. Sec. Litig.*, 05 MD 1695 (CM)(GAY)

Dear Magistrate Judge Yanthis:

I am counsel to Defendants in the above-referenced action. I write in response to the letter of Arthur Stock, dated May 11, 2007, which is misleading in several material respects.

First, my May 10, 2007 letter accurately describes my exchanges with Mr. Stock with respect to the scheduling of expert depositions. Mr. Stock's statement that Defendants waited until May 3, 2007 to confirm that they wished to depose Dr. Feinstein is false. I made it clear during my April 23, 2007 phone conversation with Mr. Stock that Defendants wanted to depose Dr. Feinstein. Mr. Stock apparently contends that he offered May 4, 2007 as a date for Dr. Feinstein's deposition, even though he had no idea whether Defendants in fact wanted to depose Dr. Feinstein. Of course we did and Mr. Stock knew we did and had known so since at least April 23, 2007. His statement that he has no sense. As Mr. Stock is well aware, at no point in time between April 23, 2007 and May 3, 2007 did I ever suggest to Mr. Stock, either orally or in writing, that Defendants were even considering the possibility of proceeding without deposing Dr. Feinstein.

Second, Mr. Stock contends that May 4, 2007 was the only date he offered for Dr. Feinstein's deposition. Defendants were not able to depose Dr. Feinstein in Boston on that date. Lead Plaintiff's position that Defendants waived their right to depose Dr. Feinstein because they were unable to depose him on the only day that Mr. Stock offered is patently unreasonable.

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Honorable George A. Yanthis
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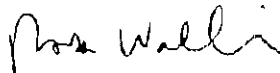
Defendants have moved the proposed deposition dates of witnesses (e.g., Mr. Reifert) in order to accommodate Lead Plaintiff's counsel. Discovery is a two-way street and scheduling depositions requires at least a minimum of cooperation by both sides, which Lead Plaintiff refuses to demonstrate.

Under the circumstances, it was incumbent upon Lead Plaintiff to offer other dates for Dr. Feinstein's deposition. Mr. Stock refused to do so. Had Mr. Stock proposed other dates for Dr. Feinstein, expert discovery on damages likely would have been completed by now.

Third, Mr. Stock's statement that Defendants "delayed six weeks after receipt of Dr. Feinstein's report" is highly misleading. The expert report of Defendants' damages expert, Vinita Juneja, was not due until April 20, 2007. As Mr. Stock surely knows, it is customary to conduct expert depositions after both sides have exchanged expert reports.

Defendants request that the Court direct Lead Plaintiff to make Dr. Feinstein available for a deposition as soon as possible, preferably within the next ten days.

Respectfully submitted,



Ross Wallin

JRW/jcl
Enclosure(s)

cc: The Honorable Colleen McMahon (via facsimile)
Arthur Stock, Esq. (via e-mail)
Carole A. Broderick, Esq. (via e-mail)
Phyllis M. Parker, Esq. (via e-mail)
Shane T. Rowley, Esq. (via e-mail)
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May 11, 2007

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SPECIAL INSTRUCTIONS/MESSAGE:

In re Veeco Instruments Inc. Sec. Litig., 05 MD 1695 (CM)(GAY)

Please see the attached letter submitted by Defendants in this action.

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